

**JUDGE SWEET**

**08 CV 1209**

UNITED STATES DISTRICT COURT SOUTHERN  
DISTRICT OF NEW YORK

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JOSEPH DORSA,

Plaintiff(s),

Index No.:

Date Filed:

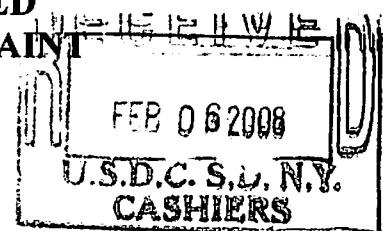
-against-

THE UNITED STATES OF AMERICA,

Defendant(s).

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**VERIFIED  
COMPLAINT**



Plaintiff, by his attorneys RONEMUS & VILENSKY, complaining of the defendants herein, respectfully shows to the Court, and allege as follows:

**1. JURISDICTION AND VENUE**

1. This action is based upon the Federal Tort Claims Act, 28 U.S.C. Section 1346 (b) and 2671-2680, as hereinafter more fully appears. The Court has personal jurisdiction over the defendant herein pursuant to Rule 4(i)(1)(A)-(C) of the Federal Rules of Civil Procedure. Venue is proper in this Judicial District pursuant to 28 U.S.C.S. § 1402(b).

2. The plaintiff is an individual residing at 6647 Bergen Place, Apt. B2, Brooklyn, New York 11220, and is a citizen of the United States of America.

**AS AND FOR A FIRST CAUSE OF ACTION**

3. Defendant, THE UNITED STATES OF AMERICA, owns the Veterans Affairs New York Harbor Healthcare System.

4. Defendant, THE UNITED STATES OF AMERICA, through the Veterans Affairs New York Harbor Healthcare System, is and was in the business of supplying health and medical services to the sick and ailing.

5. Defendant, THE UNITED STATES OF AMERICA, through the Veterans Affairs New York Harbor Healthcare System, held itself out to the general public as a medical and/or health institution and facility, possessing a reasonable degree of skill and competence to care for and treat the sick and infirm.

6. Defendant, THE UNITED STATES OF AMERICA, through the Veterans Affairs New York Harbor Healthcare System, held itself out to United States Veterans as a medical

and/or health institution and facility, possession a reasonable degree of skill and competence to care for and treat the sick and infirm.

7. From approximately April 16, 2007 continuing through May 7, 2007, plaintiff, JOSEPH DORSA, was a patient of defendants, their agents, servants or employees and received treatment at VETERAN AFFAIRS NEW YORK HARBOR HEALTHCARE SYSTEM.

8. That at all times herein mentioned ALFRED T. CULLIFORD, M.D. was a physician duly licensed to practice medicine in the State of New York.

9. That at all times herein mentioned ALFRED T. CULLIFORD, M.D. was an employee, servant, and/or agent of defendant THE UNITED STATES OF AMERICA.

10. That at all times herein mentioned ALFRED T. CULLIFORD, M.D. rendered medical care to the plaintiff JOSEPH DORSA.

11. The care and treatment rendered by defendants, their agents, servants or employees was negligent, careless and reckless, in that the plaintiff was caused to suffer burns to his fingers.

12. As a result of the foregoing, the plaintiff, JOSEPH DORSA, suffered physical injury, emotional distress, pain and suffering.

13. By reason of the foregoing, the plaintiff, JOSEPH DORSA, has been damaged in a sum of money having the present value that exceeds seventy-five thousand dollars.

14. Plaintiff, JOSEPH DORSA, filed a Claim, by way of a standard form 95, with the United States on or about June 28, 2007.

15. More than six (6) months have elapsed since the date of the claim and it has not been settled or adjusted. Accordingly, pursuant to Title 28 U.S.C. §2675, by the complaint, plaintiff deems same as a "final denial" for purposes of Title 28 U.S.C. §2675(a).

16. This claim is filed within six months after the time to file a complaint begins to run.

WHEREFORE, the plaintiffs demand judgment against defendant on the First Cause of Action in an amount that exceeds seventy-five thousand dollars all together with cost and disbursements in this action.

Dated: New York, New York  
February 4, 2008



MICHAEL B. RONEMUS- 4999  
RONEMUS & VILENSKY, LLP  
112 Madison Avenue, 2<sup>nd</sup> Floor  
Attorney for Plaintiff  
New York, NY 10016  
212-779-7070

STATE OF NEW YORK, COUNTY OF NEW YORK ss:

I the undersigned, an attorney admitted in the Courts of New York State, state under penalty of perjury that I am one of the attorneys for the plaintiff in the within action; I have read the foregoing COMPLAINT and know the contents thereof; the same is true to my knowledge, except as to the matters I believe to be true. The reason this verification is made by me and not by my client, is that my client is presently not in the County where I maintain my offices. The grounds of my belief as to all matters not stated upon my own knowledge are the materials in my file and the investigation conducted by my office.

Dated: New York, New York  
February 4, 2008



Michael B. Ronemus